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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91224239
Party	Defendant Mavsak, Inc.
Correspondence Address	Thomas Dunlap Dunlap Bennett & Ludwig PLLC 211 Church Street SE Leesburg, VA 20175  ip@dbllawyers.com
Submission	Answer
Filer's Name	David Ludwig
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Signature	/David Ludwig/
Date	11/05/2015
Attachments	91224239 Answer (Partial) and Affirmative Defenses.pdf(109993 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**IN THE MATTER OF Trademark Serial No. 86/492,385  
For the mark PROTECTING DRIVERS EVERYWHERE;  
Published on June 9, 2015**

<b>FOTO ELECTRIC SUPPLY CO., INC.,</b>	)	
	)	
<b>Opposer,</b>	)	
	)	
<b>v.</b>	)	<b>Opposition No. 91224239</b>
	)	
<b>MAVSAK, INC.,</b>	)	
	)	
<b>Applicant.</b>	)	
	)	

**ANSWER AND AFFIRMATIVE DEFENSES**

Applicant Mavsak, Inc., by counsel and pursuant to 37 C.F.R. § 2.106, submits this Answer and Affirmative Defenses to the Notice of Opposition that was filed by Opposer Foto Electric Supply Co., Inc.

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1 of the Notice of Opposition and therefore denies those allegations.

2. Applicant admits the allegations in Paragraph 2 of the Notice of Opposition.

3. Applicant admits the allegations in Paragraph 3 of the Notice of Opposition.

4. Applicant admits the allegations in Paragraph 4 of the Notice of Opposition.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5 of the Notice of Opposition and therefore denies those allegations.

6. Applicant denies the allegations in Paragraph 6 of the Notice of Opposition.

7. Applicant denies the allegations in Paragraph 7 of the Notice of Opposition.

8. Applicant denies the allegations in Paragraph 8 of the Notice of Opposition.

9. Applicant denies the allegations in Paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations in Paragraph 10 of the Notice of Opposition.

11. Applicant denies the allegations in Paragraph 11 of the Notice of Opposition.

12. Applicant repeats and realleges the responses to the preceding paragraphs.

13. Applicant denies the allegations in Paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations in Paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations in Paragraph 15 of the Notice of Opposition.

16. Applicant files herewith a Motion to Dismiss Opposer's Second Claim for Relief and will submit an Answer to Paragraph 16 of the Notice of Opposition as appropriate once that Motion has been resolved.

17. Applicant files herewith a Motion to Dismiss Opposer's Second Claim for Relief and will submit an Answer to Paragraph 17 of the Notice of Opposition as appropriate once that Motion has been resolved.

18. First Affirmative Defense: Failure to State a Claim. The Notice of Opposition fails to state a claim upon which relief can be granted.

19. Second Affirmative Defense: No Descriptiveness. The mark at issue is not merely descriptive of the goods of the applicant within the meaning of 15 U.S.C. § 1052(e)(1).

20. Third Affirmative Defense: Unclean Hands.

21. Fourth Affirmative Defense: Applicant hereby gives notice that it may rely on any other defenses that may become available or appear proper during discovery, and hereby reserves its right to amend this Answer to assert any such defenses.

DATED this 5th day of November 2015.

Respectfully submitted,

MAVSAK, INC.  
Applicant,  
By counsel,

/David Ludwig/  
David Ludwig  
Thomas M. Dunlap  
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### **CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this Answer and Affirmative Defenses is being electronically filed using the Electronic System for Trademark Trials and Appeals (ESTTA) on this 5th day of November 2015.

/David Ludwig/  
David Ludwig

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served upon Opposer by ESTTA and also by depositing one copy thereof in the U.S. Mail, First Class, postage prepaid, on this 5th day of November 2015, addressed as follows:

Edward F. Maluf  
Seyfarth Shaw LLP  
620 8th Ave32nd Floor  
New York, NY 10018

/David Ludwig/  
David Ludwig